

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

GREGORY DOAK,	)	CASE NO.: 4:05CV1947
	)	
Petitioner,	)	JUDGE JOHN ADAMS
	)	
v.	)	
	)	
DAVID BOBBY, WARDEN,	)	<b><u>ORDER AND DECISION</u></b>
	)	
Respondent.	)	
	)	

This matter comes before the Court on Objection by the Petitioner Gregory Doak (hereinafter referred to as “Petitioner”) to the Magistrate Judge’s Report and Recommendation. This action was referred to the Magistrate for a Report and Recommendation on Petitioner’s Habeas Corpus Petition. Petitioner filed objections to the Report. The Court has been advised, having reviewed the pleadings, the Magistrate’ Report and Recommendation, Petitioner’s Objections thereto, the Petition for Habeas Corpus, exhibits and applicable law.

Petitioner objects not only to the Magistrate’s findings on the habeas petition but also to the denial of Petitioner’s motion for appointment of counsel and the Magistrate’s failure to hold an evidentiary hearing.<sup>1</sup>

The Court, having conducted a *de novo* review of the record in light of Petitioner’s objections, agrees with the conclusions of the Magistrate Judge and adopts the report and recommendation as its own. The Court also finds that no evidentiary hearing is necessary to

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<sup>1</sup>Although the Magistrate did not directly find that a hearing was unnecessary, the mere fact that the Report and Recommendation was issued without a hearing demonstrates that the Magistrate found that a hearing was not necessary.

make a determination on this petition. Furthermore, the Court finds that the Magistrate's denial of appointment of counsel was appropriate under the circumstances of this case. Thus, the Court need not provide any further articulation of its reasoning. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6<sup>th</sup> Cir. 1986).

Accordingly, IT IS ORDERED that the Magistrate Judge's report and recommendation is adopted; and IT IS FURTHER ORDERED that Petitioner's petition for writ of *habeas corpus*, pursuant to 28 U.S.C. §2254, is DISMISSED.

The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision would be frivolous and could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

So ordered.

Date: April 10, 2007

/s/ John R. Adams  
JUDGE JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE